



Rep. Kelly Burke

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1 AMENDMENT TO SENATE BILL 3433

2 AMENDMENT NO. _____. Amend Senate Bill 3433 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Boat Registration and Safety Act is amended
5 by changing Section 5-18 as follows:

6 (625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)
7 Sec. 5-18.

8 (a) Beginning on January 1, 2016, no person born on or
9 after January 1, 1998, unless exempted by subsection (i), shall
10 operate a motorboat with over 10 horse power unless that person
11 has a valid Boating Safety Certificate issued by the Department
12 of Natural Resources or an entity or organization recognized
13 and approved by the Department.

14 (b) No person under 10 years of age may operate a
15 motorboat.

16 (c) Prior to January 1, 2016, persons ~~Persons~~ at least 10

1 years of age and less than 12 years of age may operate a
2 motorboat with over 10 horse power only if they are accompanied
3 on the motorboat and under the direct control of a parent or
4 guardian or a person at least 18 years of age designated by a
5 parent or guardian. Beginning on January 1, 2016, persons at
6 least 10 years of age and less than 12 years of age may operate
7 a motorboat with over 10 horse power only if the person is
8 under the direct on-board supervision of a parent or guardian
9 who meets the requirements of subsection (a) or a person at
10 least 18 years of age who meets the requirements of subsection
11 (a) and is designated by a parent or guardian.

12 (d) Prior to January 1, 2016, persons ~~Persons~~ at least 12
13 years of age and less than 18 years of age may operate a
14 motorboat with over 10 horse power only if they are accompanied
15 on the motorboat and under the direct control of a parent or
16 guardian or a person at least 18 years of age designated by a
17 parent or guardian, or the ~~such~~ motorboat operator is in
18 possession of a Boating Safety Certificate issued by the
19 Department of Natural Resources, Division of Law Enforcement,
20 authorizing the holder to operate motorboats. Beginning on
21 January 1, 2016, persons at least 12 years and less than 18
22 years of age may operate a motorboat with over 10 horse power
23 only if the person meets the requirements of subsection (a) or
24 is under the direct on-board supervision of a parent or
25 guardian who meets the requirements of subsection (a) or a
26 person at least 18 years of age who meets the requirements of

1 subsection (a) and is designated by a parent or guardian.

2 (e) Beginning January 1, 2016, the owner of a motorboat or
3 a person given supervisory authority over a motorboat shall not
4 permit a motorboat with over 10 horse power to be operated by a
5 person who does not meet the Boating Safety Certificate
6 requirements of this Section.

7 (f) Licensed boat liveries shall offer abbreviated
8 operating and safety instruction covering core boat safety
9 rules to all renters, unless the renter can demonstrate
10 compliance with the Illinois Boating Safety Certificate
11 requirements of this Section, or is exempt under subsection (i)
12 of this Section. A person who completes abbreviated operating
13 and safety instruction may operate a motorboat rented from the
14 livery providing the abbreviated operating and safety
15 instruction without having a Boating Safety Certificate for up
16 to one year from the date of instruction. The Department shall
17 adopt rules to implement this subsection.

18 (g) Violations.

19 (1) A person who is operating a motorboat with over 10
20 horse power and is required to have a valid Boating Safety
21 Certificate under the provisions of this Section shall
22 present the certificate to a law enforcement officer upon
23 request. Failure of the person to present the certificate
24 upon request is a petty offense.

25 (2) A person who provides false or fictitious
26 information in an application for a Boating Safety

1 Certificate; or who alters, forges, counterfeits, or
2 falsifies a Boating Safety Certificate; or who possesses a
3 Boating Safety Certificate that has been altered, forged,
4 counterfeited, or falsified is guilty of a Class A
5 misdemeanor.

6 (3) A person who loans or permits their Boating Safety
7 Certificate to be used by another person; or who operates a
8 motorboat with over 10 horse power using a Boating Safety
9 Certificate that has not been issued to that person is
10 guilty of a Class A misdemeanor.

11 (4) Violations of this Section done with the knowledge
12 of a parent or guardian shall be deemed a violation by the
13 parent or guardian and punishable under Section 11A-1.

14 (h) The Department of Natural Resources, ~~Division of Law~~
15 ~~Enforcement,~~ shall establish a program of instruction on
16 boating safety, laws, regulations and administrative laws, and
17 any other subject matter which might be related to the subject
18 of general boat safety. The program shall be conducted by
19 instructors certified by the Department of Natural Resources,
20 ~~Division of Law Enforcement.~~ The course of instruction for
21 persons certified to teach boating safety shall be not less
22 than 8 hours in length, and the Department shall have the
23 authority to revoke the certification of any instructor who has
24 demonstrated his inability to conduct courses on the subject
25 matter. The Department of Natural Resources shall develop and
26 provide a method for students to complete the program online.

1 Students satisfactorily completing a program of not less than 8
2 hours in length shall receive a certificate of safety from the
3 Department of Natural Resources, ~~Division of Law Enforcement~~.
4 The Department may cooperate with schools, online vendors,
5 private clubs and other organizations in offering boating
6 safety courses throughout the State of Illinois.

7 The Department shall issue certificates of boating safety
8 to persons 10 years of age or older successfully completing the
9 prescribed course of instruction and passing such tests as may
10 be prescribed by the Department. The Department may charge each
11 person who enrolls in a course of instruction a fee not to
12 exceed \$5. If a fee is authorized by the Department, the
13 Department shall authorize instructors conducting such courses
14 meeting standards established by it to charge for the rental of
15 facilities or for the cost of materials utilized in the course.
16 Fees retained by the Department shall be utilized to defray a
17 part of its expenses to operate the safety and accident
18 reporting programs of the Department.

19 (i) A Boating Safety Certificate is not required by:

20 (1) a person who possesses a valid United States Coast
21 Guard commercial vessel operator's license or a marine
22 certificate issued by the Canadian government;

23 (2) a person employed by the United States, this State,
24 another state, or a subdivision thereof while in
25 performance of his or her official duties;

26 (3) a person who is not a resident, is temporarily

1 using the waters of this State for a period not to exceed
2 90 days, and meets any applicable boating safety education
3 requirements of his or her state of residency or possesses
4 a Canadian Pleasure Craft Operator's Card;

5 (4) a person who is a resident of this State who has
6 met the applicable boating safety education requirements
7 of another state or possesses a Canadian Pleasure Craft
8 Operator's card;

9 (5) a person who has assumed operation of the motorboat
10 due to the illness or physical impairment of the operator,
11 and is returning the motorboat or personal watercraft to
12 shore in order to provide assistance or care for that
13 operator;

14 (6) a person who is registered as a commercial
15 fisherman or a person who is under the onboard direct
16 supervision of the commercial fisherman while operating
17 the commercial fisherman's vessel;

18 (7) a person who is serving or has qualified as a
19 surface warfare officer or enlisted surface warfare
20 specialist in the United States Navy;

21 (8) a person who has assumed operation of the motorboat
22 for the purpose of completing a watercraft safety course
23 approved by the Department, the U.S. Coast Guard, or the
24 National Association of State Boating Law Administrators;

25 (9) a person using only an electric motor to propel the
26 motorboat;

1 (10) a person operating a motorboat on private
2 property; or

3 (11) a ~~A~~ person over the age of 12 years who holds a
4 valid certificate issued by another state, a province of
5 the Dominion of Canada, the United States Coast Guard
6 Auxiliary or the United States Power Squadron need not
7 obtain a certificate from the Department if the course
8 content of the program in such other state, province or
9 organization substantially meets that established by the
10 Department under this Section. A certificate issued by the
11 Department or by another state, province of the Dominion of
12 Canada or approved organization shall not constitute an
13 operator's license, but shall certify only that the student
14 has successfully passed a course in boating safety
15 instruction.

16 (j) The Department of Natural Resources, ~~Division of Law~~
17 ~~Enforcement,~~ shall adopt rules necessary to implement and
18 ~~enforce the provisions of~~ this Section. The Department of
19 Natural Resources shall consult and coordinate with the boating
20 public, professional organizations for recreational boating
21 safety, and the boating retail, leasing, and dealer business
22 community in the adoption of these rules.

23 (Source: P.A. 91-357, eff. 7-29-99.)".